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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Evan C. Unger

Confirmation No.: 7636

Serial No.: 10/046,801

Group Art Unit: 1616

Filing Date: January 15, 2002

Examiner: M. Hartley

For: CHARGED LIPIDS AND USES FOR THE SAME

**EXPRESS MAIL LABEL NO: EL970384749US
DATE OF DEPOSIT: JANUARY 9, 2004**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, ImaRx Therapeutics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,120,751. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

- 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
 - The required certificate under 37 CFR 3.73(b) is attached.

FEE STATUS

9 Other than a Small Entity - \$110.00

• Small Entity - \$55.00

IMARX THERAPEUTICS, INC.

Date:


Signature

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